

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA,

- against -

ORDER

PAUL RIVERA and  
MICHAEL GARRETT,

13-CR-149 (KAM)

Defendants.

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During a status conference held in this case on January 8, 2014, counsel for defendants Paul Rivera and Michael Garrett requested that the court review the separation order that the Bureau of Prisons ("BOP") has put in place at the request of the government, restricting the interaction between defendants. Based on the government's representation that the reasons for the separation order implicated security concerns, the court ordered that the government file a letter setting forth the basis for the separation order, and granted leave for the government's letter to be filed *ex parte* and under seal. (Minute Entry dated Jan. 8, 2014.) The government filed the requested letter on January 10, 2014. (ECF No. 77.)

For the reasons stated in the *ex parte* letter filed by the government, the court determines that the separation order is grounded on valid and corroborated security concerns. For that reason, the court declines to direct the BOP to modify the separation of Messrs. Rivera and Garrett. *See United States v.*

*Williams*, No. 02-CR-1372, 2004 WL 1192086, at \*1 (S.D.N.Y. May 28, 2004) (denying defendants' request to remove a separation order because "the BOP believe[d] that those separation orders [were] necessary for security reasons."). Moreover, although a "defendant of course is free to pursue a joint defense strategy with a co-defendant," *LoCascio v. United States*, 395 F.3d 51, 58 (2d Cir. 2005), counsel for defendants did not appear to claim at the January 8 conference that such ability had been hampered by the separation order.

For the foregoing reasons, the court declines to disturb the separation order.

**SO ORDERED.**

Dated: January 21, 2014  
Brooklyn, New York

\_\_\_\_\_/s/\_\_\_\_\_  
Hon. Kiyo A. Matsumoto  
United States District Judge